

Message Text

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PAGE 01 BONN 00461 101731Z
ACTION EUR-12

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EUR/EX FOR MISS CLARK

E.O. 11652: N/A
TAGS: PDIP (EPPINGER, VERA)
SUBJECT: TESTIMONY OF EMBASSY ADMINISTRATIVE STAFF
MEMBER VERA EPPINGER TO FRG COURT; 2 FAM
221.5

REF: PFUND/MALMBORG LETTER OF DECEMBER 28, 1976

1. EMBASSY SECRETARY VERA EPPINGER, HOLDER OF FRG ID CARD FOR TECHNICAL AND ADMINISTRATIVE STAFF OF DIPLOMATIC MISSION, HAS RECEIVED DIRECTLY FROM CIVIL COURT IN BONN SUBPOENA TO GIVE TESTIMONY TO COURT AS WITNESS IN ACTION ENTITLED JAEGGI HOEHRGERAETE (HEARING AIDS) V. UMMELS. SUBPOENA (LADUNG) ATTACHED LIST OF QUESTIONS EPPINGER EXPECTED TO ANSWER, AND MADE REFERENCE TO LEGAL CONSEQUENCES FOR UNEXCUSED FAILURE TO APPEAR AS REQUESTED. TESTIMONY SCHEDULED FOR JANUARY 20, 1977, I.E., IN TEN DAYS.

2. EMBASSY HAS NOTIFIED FONOFF PROTOCOL THAT EPPINGER IS MEMBER OF US NATIONAL AND NON-RESIDENT TECHNICAL AND ADMINISTRATIVE STAFF OF MISSION AND THUS, UNDER ARTICLE 37(2) AND TICLE 31(2), NOT OBLIGED TO GIVE EVIDENCE AS A WITNESS. FONOFF IS ARRANGING THAT SUBPOENA IS OFFICIALLY TRANSMITTED TO EMBASSY
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VIA FONOFF WITH REQUEST FOR IMMUNITY WAIVER.

3. DEFENDANT IN CIVIL ACTION IS EPPINGER'S FIANCE WHO WAS EXPLORING WITH PLAINTIFF SWISS FIRM AND OTHERS TYPE OF HEARING AID HE MIGHT WISH TO PURCHASE. JAEGGI HAS TAKEN POSITION THAT UMMELS ENTERED INTO ORAL CONTRACTUAL RELATIONSHIP WITH JAEGGI FOR PURCHASE

OF THEIR PRODUCT. EPPINGER, WHO IS FAMILIAR WITH INTENTIONS OF UMMELS RE JAEGGI AND UMMELS' BEST WITNESS, WISHES TO TESTIFY. SUCH TESTIMONY APPEARS DESIRABLE IN INTERESTS OF SEEING JUSTICE DONE. EMBASSY THEREFORE RECOMMENDS THAT IT BE AUTHORIZED BY REPLY TO EVENTUAL FONOFF NOTE TO WAIVE EPPINGER'S IMMUNITY FROM OBLIGATION TO TESTIFY AS WITNESS IN SUBJECT ACTION.

4. ACTION REQUESTED: AUTHORIZATION FOR EMBASSY TO WAIVE EPPINGER'S IMMUNITY SO THAT SHE MAY TESTIFY IN SUBJECT CIVIL ACTION AS REQUESTED BY BONN COURT. IN ABSENCE OF AUTHORIZATION BY OPENING OF BUSINESS BONN JANUARY 17, EMBASSY WOULD REGRETFULLY HAVE TO CITE ABSENCE OF AUTHORIZATION TO WAIVE HER IMMUNITY, WHICH IMMUNITY THEREFORE STANDS AND MAKES HER TESTIMONY AS SCHEDULED IMPOSSIBLE. EMBASSY WOULD, OF COURSE, SEEK TO HAVE COURT ARRANGE FOR EPPINGER'S TESTIMONY AT A LATER DATE SHOULD DEPARTMENT AUTHORIZATION BE FORTHCOMING.
STOESSEL

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